



October 29, 2019

The Honorable Carolyn B. Maloney
Acting Chairwoman
Subcommittee on Civil Rights and Civil Liberties
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Re: House Committee on Oversight & Reform Hearing on Non-Military Deferred Action, Scheduled for October 30, 2019

Dear Acting Chairwoman Maloney,

The New York Legal Assistance Group (NYLAG) is a nonprofit law firm dedicated to providing free civil legal services to low-income New Yorkers. NYLAG serves immigrants, seniors, veterans, the homebound, families facing foreclosure and eviction, consumers, children with special education needs, victims of domestic violence, people with disabilities, patients with chronic illness or disease, low-wage workers, members of the LGBTQ community, Holocaust survivors, as well as many others in need of free legal counsel.

LegalHealth is one of the largest units in NYLAG, as well as the nation's largest medical-legal partnership, providing general legal assistance in the healthcare setting to patients in hospitals and community health centers. We complement healthcare with legal care to address the non-medical needs of individuals with serious health conditions. LegalHealth has legal clinics in thirty-six hospitals, and our staff has collectively worked with thousands of severely ill immigrants.

Medical deferred action constitutes an important foundation for our work. It is a humanitarian program that allows immigrants to access critical medical care that without which they would most likely die. Without this intensive care, many immigrants would not be able to live in their home countries because such lifesaving treatment is not available. The importance of deferred action is not just limited to individuals from low income countries but also for residents of countries who partake in the Visa Waiver Program (VWP).

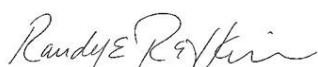
The Visa Waiver Program allows qualified citizens of designated countries to visit the United States for up to ninety days without obtaining a visa, provided that they agree to waive any right to contest removal other than by seeking asylum. Unlike traditional visa holders, those participating in the VWP cannot extend their stay more than thirty days. Deferred action is the only option for individuals who entered on the VWP and are too sick to return to their home country before the expiration of stay.

For instance, one of our clients is Vivian. Vivian is a nurse from the United Kingdom who came to the United States on the VWP to visit her family. She had travel insurance and no intention of remaining here. During her visit, Vivian was diagnosed with acute leukemia, leaving her too ill to fly home when her authorized stay ended. An attorney from LegalHealth met with her to go over her legal options, and ultimately applied for medical deferred action as a desperate last resort.

With deferred action she was able to receive her life-saving stem cell transplant. She is also currently enrolled in five research studies, most notably a National Institutes of Health funded clinical trial, which aims to compare outcomes for blood cancer patients who receive a double cord versus haploidentical stem cell transplant. This is the first Stage 3 multi-center randomized study comparing these two procedures, and there is no comprehensive scientific research examining which option is superior for patients who are unable to find a matching donor. Due to the rarity and poor prognosis of Vivian's condition, she is one of the only surviving patients with her disease and likely the only woman of color. Another one of the studies Vivian participated in developed a biomarker-based risk score which provided the first opportunity to treat patients at the onset of symptoms according to risk of steroid failure post stem cell transplant.

Deferred action thus aids not only immigrants, but medical research and everyone who relies on the outcomes of these groundbreaking studies. For these reasons, USCIS must not only continue this vital program, but provide guidance on how deferred action application pending before them will be adjudicated, including the time frames thereby allowing clients to timely treatment and be included in clinical trials.

Very truly yours,

A handwritten signature in cursive script, reading "Randy E Retkin".

Randy Retkin, Esq.
Director, LegalHealth